FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance to permit a front yard setback of 24 feet in lieu of the required front average of 33 feet for a proposed porch enclosure in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavita submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict complance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 91-216-A The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

Baltimore County, as follows: That the information hercin given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently or upon settlement will reside at ______ 42NO. PROSPECT AVE, CATENSUILLE MIN 21228

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) To CREME AN INDIRECT ENTRY WAY INTO OUR LIVING LOOM (WHICH CURRENTLY ATS A DIRECT. ENTRANE) IN OFFICE TO PARTIAMY INSULATE THE HIVING COOK & CONERVE ENERGY.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

ALISON J. FOOLEY DOUBLAS A, SOOLEY AFFIANT (Printed Name)

I HEREBY CERTIFY, this 4th day of December 19^{90} , before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ______ Douglas A Pooley Alison J Pooley the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made cath in due form of law that the matters and facts hereinabove set forth are true and correct to the best

of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal. My Commission Expires:

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 151 day of February, 1991 that the Petition for Residential Variance to permit a front yard setback of 24 feet in lieu of the required front average of 33 feet for a proposed porch enclosure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The relief granted herein is limited to a partial porch enclosure in accordance with Petitioner's Exhib-

> /Zoning Commissioner for Baltimore County

JRH:bjs

This Deed, MADE THIS

in the year one thousand nine hundred and eighty-three MKEVIN BOBIER and JANIS W. BOBIER, his wife,

by and between

of the first part, and

of Baltimore County, State of Maryland, parties DOUGLAS A. POOLEY and ALISON J. POOLEY, his wife, parties

of the second part.

WITNESSETH, That in consideration of the sum of SIXTY-NINE THOUSAND/AND 00/100THS (\$69,200.00) DOLLARS, and other good and valuable considerations, the receipt of which is hereby acknowledged;

the said parties of the first part

grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's

personal representatives/successors and assigns

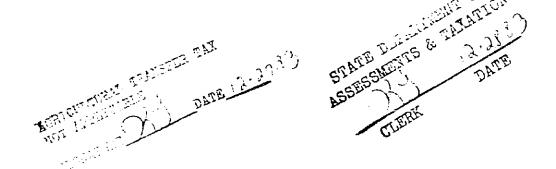
, in fee simple, all

lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME on the west side of Prospect Avenue, as now laid out, at the distance of 1041.71 feet southerly from the corner formed by the intersection of the west side of Prospect Avenue with the south side of Edmondson Avenue, as now laid out and widened and running thence southerly binding on the west side of Prospect Avenue 46 feet; thence running westerly at right angles to Prospect Avenue 120 feet; thence running northerly parallel with Prospect Avenue 46 feet; and thence easterly at right angles to Prospect Avenue 120 feet to the place of beginning. The improvements thereon being known as No. 42 N. Prospect Avenue.

BEING the same property which by Deed dated December 14, 1978 and recorded among the Land Records of Baltimore County in Liber E.H.K.JR., No. 5971, folio 135 was granted and conveyed from Raymond E. Brushe, Jr. and Mary M. Brushe, his wife to Kevin Bobier and Janis W. Bobier, his wife, the herein Grantors.

ALSO SUBJECT to a Deed of Trust dated December 14, 1978 and recorded among the Land Records of Baltimore County in Liber E.H.K.JR., No. 5971, folio 137 from Kevin Bobier and Janis W. Bobier, his wife to Richard L. Cover and Thomas F. Ireton, Trustees for James W. Rouse & Company, Incorporated, which the Grantees herein assume liability for.



111 West Chesapeake Avenue Towson, MD 21204 887-3353 February 1, 1991 Mr. & Mrs. Douglas A. Poolev 42 North Prospect Avenue Catonsville, Maryland 21228 RE: PETITION FOR RESIDENTIAL VARIANCE W/S North Prospect Avenue, 1042' S of Edmondson Avenue (42 North Prospect Avenue) 1st Election District - 1st Councilmanic District Douglas A. Pooley, et ux - Petitioners Case No. 91-216-A Dear Mr. & Mrs. Pooley: Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order. In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

> (Robert Haires ROBERT HAINES Zoning Commissioner for Baltimore County

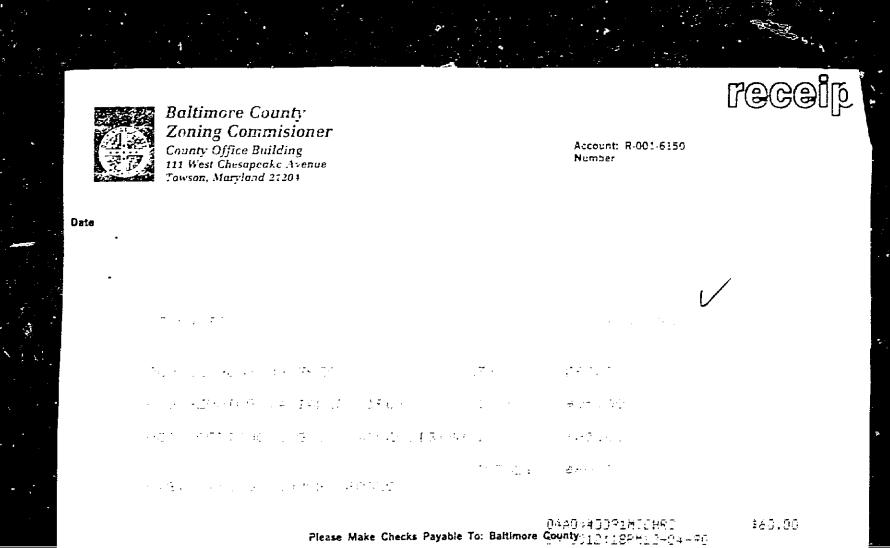
Very truly yours,

cc: People's Counsel

JRH:bjs

File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY District / 5 Date of Posting Execution 17.1991 Posted for: Acadented Lacatines Petitioner: According to Parties IT at Location of property: 1.13 Marke Market Granes 1843 & of Edmention - Similar 12 1 Cotto Prospect General Location of Signs: The Association of the Prospect Original Number of Signs:



PETITION FOR RESIDENTIAL VARIANCE

1BO2.3.C.1 AND BOB.1 TO PERMIT A FRONT YARD SETSACK

OF RHFT IN LIEU OF PHE REQUIRED FRONT AVERAGE OF 33 FT.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty) TO CREATE AD INDIFECT ENTRY WAY INFO OUR WILING ROOM (WHICH CURRENTLY HAS A DIFECT ENTRANCE), THE ORDER TO

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

PARTALLY INSULAPE PHE LIVING ROOM & CONSERVE ENERGY

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. 3047 SW 2-1 Legal Owner(s): Name, address and phone number of legal owner, contract purchaser or representative to be contacted. DRIDERED by the Zoning Commissioner of Baltimore County, this $\underline{4}$ day of \underline{PEC} , 19 $\underline{90}$, that the subject matter of this petition be posted on the property on or before the 26 day of DEC, 19 90.

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED. IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the subject

matter of this patition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock,

MARINE RECEIVED FOR FILING

Contract Purchaser:

(Type or Print Name)

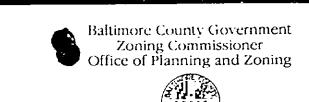
City/State/lip Code

(Type or Frint Name)

Attorney for Petitioner:

Attorney's telephone number

ZONING COMMISSIONER OF BALTIMENE COUNTY



111 West Chesapeake Avenue Towson, MD 21204

887-3353

December 13, 1990

Mr. & Mrs. Douglas A. Pooley 42 N. Propsect Avenue Catonsville, Maryland 21228

Re: CASE NUMBER: 91-216-A LUCATION: W/S of N. Prospect Avenue, 1042' (+/-) S of Edmondson Avenue 42 N. Prospect Avenue

Please be advised that 7 our Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before December 26, 1930. The last date (closing date) on which a neighbor may file a formal request for bearing is January 10, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

AFFIANT (Printed Name) STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

regard thereto.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887 3353

January 3, 1991

Mr. & Mrs. Douglas A. Pooley 42 North Prospect Avenue Catonsville, MD 21228

RE: Item No. 233, Case No. 91-216-A Petitioner: Douglas A. Pooley, et ux Petition for Residential Variance

Dear Mr. & Mrs. Pooley:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

AMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887-3353

Your petition has been received and accepted for filing this 9th day of December, 1990.

J. Robert Haines
ZONING COMMISSIONER

Received By:

Chalman,
Zoning Plans Advisory Committee

Petitioner: Douglas A. Pooley, et ux
Petitioner's Attorney:

:eive

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

CO: J. Robert Haines
Zoning Commissioner

DATE: December 17, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Caves Valley Club, Inc., Item No. 167
Caves Valley Club, Inc., Item No. 168
Dianna Lynn Peterson, Item No. 192
Charles F. Hohman, Item No. 213
Russell F. Morris. III, Item No. 218

Laura E. Earles, Item No. 220
Herbert Balzanna, Item No. 221
Terrell R. Johnson, Joseph Hartman, Trustees, Item No. 224
Michael Robert Snowman, Item No. 225
Herbert J. Scism, Item No. 226
James Stabler, Item No. 232
Douglas A. Pooley, Item No. 233

In reference to the above-listed cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

NCITEMS/ZAC1

PALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESFONDENCE

TO: Zoning Advisory Committee DATE: December 18, 1990 EROM: Robert M. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for December 26, 1990

The Developer's Engineering Division has reviewed the subject sening items and we have no comments for Items 213, 221, 224, 225, 226, 230, and 233.

For Items 187, 168, 201 and 202, the previous County Seview Group a amenta are applicable.

ROBERT d. BOWLING, P.E., Chief Povelopers Engineering Division

received

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

DECEMBER 13, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building

Dennis F. Rasmusse
County Executiv

Baltimore County Office Building Towson, MD 21204

RE: Property Owner: DOUGLAS A. POOLEY

Location: #42 NORTH PROSPECT AVENUE

Item No.: 233 Zoning Agenda: DECEMBER 26, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Ost Joeffely 12-14-9 Approved Fire Prevention Bureau Special Inspection Division

JK/KEK



Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
Towson, MD 21204

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

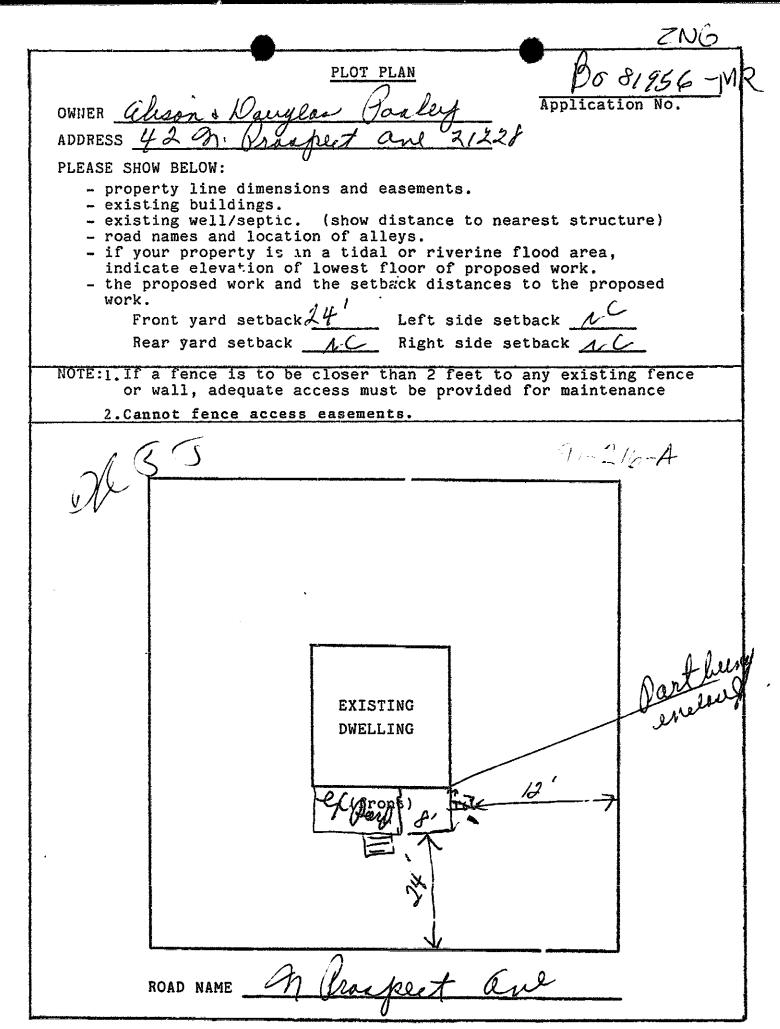
Dear Mr. Haines:

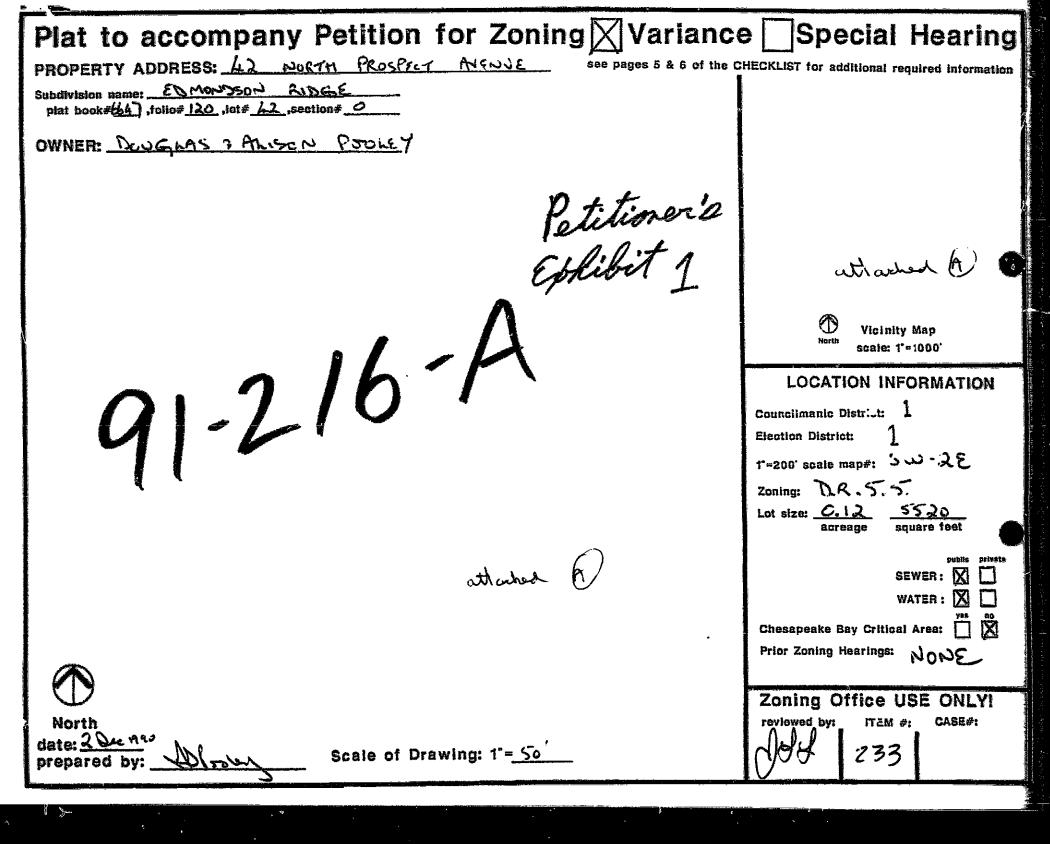
The Bureau of Traffic Engineering has no comments for items number 167, 213, 221, 224, 225, 226, amd 233.

Very truly yours,

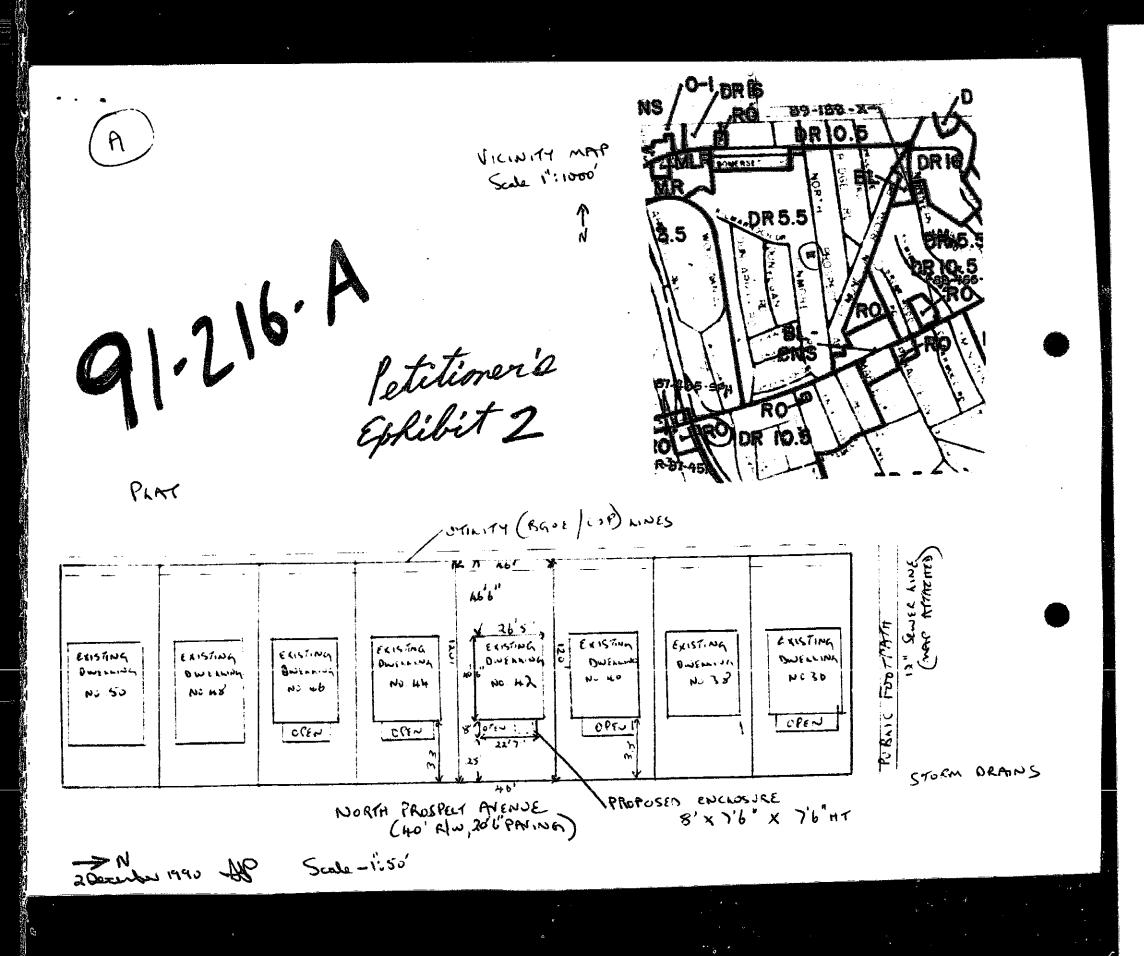
Rahee J. Famili
Traffic Engineer II

RJF/lvd





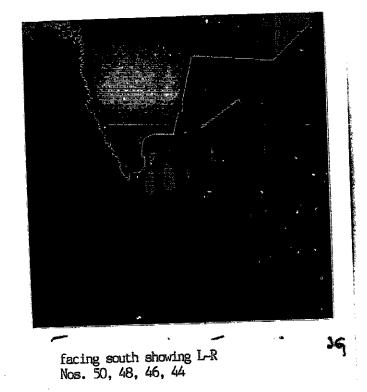
10/82



CASE#: 91-216-A



42 N. Prospect from street



PETITIONER'S EXHIBIT #6

CASE#: 91-216-A

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This was provided by Discourse to ADI of the Company of the Compan

PETITIONER'S EXHIBIT #3

PETITIONER'S EXHIBIT # 4

12/3/96 12/3/96

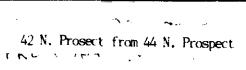
algar It Benold 12/3/90

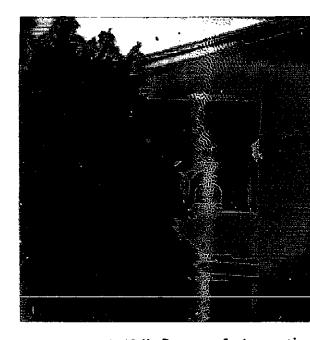
CASE#: 91-216-A

42

CASE#: 91-216-A







from porch 42 N. Prospect facing south



42 N. Prospect from 40 N. Prospect

PETITIONER'S EXHIBIT # 5

